

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Road Access Land Use License #309-2200053
<b>Proposed Implementation Date:</b>	May 2022
<b>Proponent:</b>	Timberline Farm and Ranch, LTD
<b>Location:</b>	S½ of Section 36, Township 10 North, Range 29 East (Common Schools Trust)
<b>County:</b>	Musselshell County

### I. TYPE AND PURPOSE OF ACTION

The proponent, Timberline Farm and Ranch, LTD, whose has applied to the DNRC Southern Land Office (SLO) for a Land Use License to permit the use of a two-track road on the south half of Section 36, Township 10 North, Range 29 East in order to access his private lands west of said section as shown in Exhibit 'A.'

The proponent currently is the owner of the lands belonging to Bergin Farm and Ranch LLC south and east of the State Section. These lands are in the same vicinity as each other, the only legal access to Timberline Farm and Ranch LTD Co lands is on the far southwestern corner of their private held block of land, which is about a 15 mile re-route. The proponent is requesting a Land Use License to access these lands more efficiently by utilizing the existing two-track road on the State Trust Land.

### II. PROJECT DEVELOPMENT

#### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

No formal public scoping was performed by DNRC for this proposed project. The state grazing lessee, Clint Lohman, was contacted by the county via the Ranch Manager and has signed a Settlement of Damages form.

The proposed project area was inspected 22 March 2021 by Joe Holzwarth, Southern Land Office Area Planner.

#### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

None

#### 3. ALTERNATIVES CONSIDERED:

**Proposed Alternative:** Approve the issuance of a Land Use License to utilize existing two-track road on State Trust Land described as Section 36-T10N-R29E in Musselshell County in order to access private lands.

**No Action Alternative:** Deny the request for a Land Use License to utilize existing two-track road on State Trust Land described as Section 36-T10N-R29E in Musselshell County in order to access private lands requiring the proponent to access lands on the far western portion of privately held lands.

### III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

---

#### **4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

The proponent is requesting to utilize an existing two track trail on State Land. The land is categorically labelled great plains prairie with intermingled great plains woodland and according to the NRCS Soil Survey, the license area consists of mainly sandy loam soil types.. No significant impacts to geology and soil quality, stability and moisture are expected by implementing the proposed action.

---

#### **5. WATER QUALITY, QUANTITY AND DISTRIBUTION:**

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

The proposed license will be to utilize an existing two track road to access private lands. No water system will be disturbed or traversed. The Delphia Melstone canal runs parallel to a portion of the two-track road. No significant adverse impacts to water quality, quantity or distribution are anticipated by implementing the proposed action

---

#### **6. AIR QUALITY:**

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

The proponent will be using a typical farm and ranch equipment across the two-track road. No construction or large industrial equipment will be used. Due to the license being issued to a single user for private land access, no significant adverse impacts are anticipated implementing the proposed action.

---

#### **7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

The proponent will be traversing a two-track roadway that has already seen compaction from vehicular use. A condition of the license will be to utilize an existing two track road on the section. No significant long-term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

---

#### **8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

A variety of big game, small mammals, raptors, songbirds and turkeys may traverse the subject sections. The proposed alternative will allow the proponent to traverse the State Land via an existing two-track road to access private lands. There is a public road along the east portion of the State-owned land. No other activity that will impact habitation is permitted under this license. No significant adverse impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

---

#### **9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

A search of the Montana Natural Heritage Program database indicated the following species of concern have been observed in the proposed section:

- **Black-tailed Prairie Dog** (*Cynomys ludovicianus*)
- **Greater Sage-Grouse** (*Centrocercus urophasianus*), **Great Blue Heron** (*Ardea herodias*)

- **Plains Hog-nosed Snake** (*Heterodon nasicus*)

This section is outside the Greater Sage Grouse habitat area. The proponent has already completed and submitted a consultation report with the Sage Grouse Program.

While these species may be present in the general project area, no direct or lasting impacts are expected to occur to sensitive species. Due to the short duration and minimal disturbance, the project will have minimal impact to the environment and habitat on State Land.

---

#### **10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine effects to historical, archaeological or paleontological resources.*

The following cultural and paleontological surveys have been previously performed:

**Section 36-T10N-R29E:** 1991-5-5: 1991 – None identified.

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search revealed that no cultural or paleontological resources have been identified in the state land portion of the APE. Because the APE on state land is inundated, no project related disturbance is expected. No additional archaeological investigative work will be conducted for the state land portion of the APE. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

The proposed project will have *No Effect* to *Antiquities* as defined under the Montana State Antiquities Act. Formal reports of findings are available through the DNRC and the Montana State Historic Preservation Officer.

---

#### **11. AESTHETICS:**

*Determine if the project is located on a prominent topographic feature or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

The proposed action will allow the proponent to utilize an existing two-track roadway across State Land. No disturbance will occur outside the existing road system. No significant adverse impact to aesthetics is expected as a result of implementing the proposed alternative.

---

#### **12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

---

#### **13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

There are no other known studies or future actions planned for this Trust land parcel.

<b>IV. IMPACTS ON THE HUMAN POPULATION</b>
<ul style="list-style-type: none"> <li>• <i>RESOURCES</i> potentially impacted are listed on the form, followed by common issues that would be considered.</li> <li>• Explain <i>POTENTIAL IMPACTS AND MITIGATIONS</i> following each resource heading.</li> <li>• Enter "NONE" if no impacts are identified or the resource is not present.</li> </ul>

---

**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

No significant adverse impacts to human health and safety would occur as a result of implementing the proposed alternative.

---

**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

No significant adverse impacts to industrial, commercial and agricultural activities and production would occur as a result of implementing the proposed alternative.

---

**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

The proposed action will have no significant impact on the quantity and distribution of employment.

---

**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

The proposed action will have no adverse impact on tax revenue.

---

**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

The implementation of the proposed alternative will not generate any additional demands on governmental services. By executing the proposed alternative, it will allow government services a secure access across a county road for emergency reasons.

---

**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

Implementation of the proposed alternative will not conflict with any locally adopted plans.

---

**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

The subject parcel already has established public access via Ragged Point Road along the east boundary line. The proposed action will have no effect on the access to and quality of recreational use.

---

**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

No significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the proposed alternative.



---

**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

---

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

The proposed alternative will not have a significant adverse impact on cultural uniqueness or diversity.

---

**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

The Common Schools Trust Permanent Fund will benefit by receiving an annual payment of \$300.00 per year for years 1-5 of this license and an increase to \$400.00 per year for years 6–10 of this license.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Joe Holzwarth <b>Title:</b> Area Planner, Southern Land Office	<b>Date:</b> 21 April 2022
--------------------------------------	--	----------------------------

---

**V. FINDING**

---

---

**25. ALTERNATIVE SELECTED:**

The proposed alternative has been selected and it is recommended the License be issued to allow motorized access across Stand Land along an existing two-track road. The proponent will not disturb any State Land outside of the established road and will be using this license strictly for accessing private lands.

---

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

The potential for significant adverse impacts to the Trust lands listed above are minimal due to the nature of the proposed action which would allow the proponent to utilize an existing two-track road to access private lands on the western boundary of the State. There are no natural features that could produce adverse impacts or species of concern occupying the parcels that are expected to be impacted by implementing the proposed action

---

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**☐


EIS

☐

More Detailed EA

☒

No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Jeff Bollman, AICP <b>Title:</b> Southern Land Office Area Manager
<b>Signature:</b> 	<b>Date:</b> 12 May 2022



## Exhibit A – Existing Two-Track Road

